

**TOWN OF ELSMERE
BOARD OF ELECTIONS
MINUTES
MARCH 11, 2009
COUNCIL CHAMBERS - 6:30 p.m.**

CALL TO ORDER: Chairman Eric Scott Thompson called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Chairman Eric Scott Thompson – Present
David Lilly – Present
Carl Force – Present

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

None

OLD BUSINESS:

None

Chairman Thompson announced a letter was received from the Department of Election's regarding Candidate Edward Olga. At this time, Chairman Thompson read for the record the letter, informing the Board of Elections that Mr. Edward Olga, Town Candidate for 6th District, election scheduled for April 25, 2009, failed to comply with Delaware Title 15, Section 7555 (d). The letter further states Mr. Olga had failed to file a Certificate of Intention, or a Statement of Organization with the Department of Election's, no later than seven days after filing his candidacy. Under Section 7555 (f), the Municipal Act requires "the Board of Election for a municipality shall declare a candidate who has failed to comply with the provisions of paragraph (d) of this section ineligible to be a candidate and shall order his name removed from the ballot subject to the

appeal provision of Section 7552.”

Chairman Thompson asked Mr. Olga if he would like to comment on this matter.

Mr. Olga provided the Board with a document he stated he filed with the Department of Elections.

Chairman Thompson questioned Mr. Olga if February 03, 2009, was the date he signed and mailed the document to the Department of Election’s.

Mr. Olga responded this was correct.

David Lilly questioned Mr. Olga if the document was a copy of his original, and if it was sent certified mail.

Mr. Olga responded it is a copy of his original and that he has several copies. His response to the question on whether or not it was sent certified mail was, “no”.

Town Manager, John Giles verified the filing deadline was February 2, 2009.

Chairman Thompson confirmed Mr. Olga failed to file the document according to the statute, as stated in the letter from the Department of Elections.

Mr. Olga stated he filed the document on February 3, 2009.

PUBLIC COMMENT:

1st District Councilman John Jaremchuk of 300 Southern Road, remarked that removing a candidate from a ballot is very serious. In this case, he felt it would be based upon a technicality in reading the statute. He feels Mr. Olga should stay on the ballot since he filed with the Department of Election’s the proper form. Mr. Olga made representation to the board this was done in a timely manner, but for whatever reason they state it was not received. He further stated there are technicalities on both side.

Chairman Thompson remarked when there is an indication of an administrative error between the State or the Municipality and the potential candidate, the person filing for the position must first appeal it to the Department of Elections, which he believed the candidate has two days to do this. In the case of an administrative error, his appeal would not go to the Board of Elections, but actually to the Commissioner of Elections of the State of Delaware.

6th District Councilman John Pasquale, stated the paperwork needed to be

filed seven days from the time he filed in the Town. He further mentioned he made sure that his paperwork was received by the deadline.

The members of the Board of Elections went into Executive Session to discuss the aforementioned.

At this time, Public Session resumed.

Chairman Thompson stated the Board of Elections has met and discussed the matter. It appears pursuant to Title 15, Section 7555 (d), is a strict compliance statute that needs to be adhered to.

ACTION: Chairman Thompson announced the move would be to have Candidate Edward Olga deemed ineligible and removed from the ballot.

VOTE:

All in favor

Motion carried

Chairman Thompson explained Mr. Olga will receive a letter regarding the Board of Elections decision.

NEW BUSINESS:

The Board of Elections determined the candidates for the 2009 Bi-Annual Municipal Elections.

Chairman Thompson reported the 1st, 3rd and 5th Districts are unopposed, with Candidates running for Mayor, 2nd, 4th and 6th Districts. He further reported pursuant to Chapter 15 of the Code, Section 7555 (j), the positions which are unopposed, the candidates are to be declared elected by the Board of Elections. For 1st District, John Jaremchuk, Jr. is unopposed, 3rd District, Thomas S. Novak, Jr. is unopposed, and 5th District, Joann I. Personti, is unopposed.

ACTION: Chairman Thompson stated the Board of Elections will move to have John Jaremchuk, Jr. of the 1st District, Thomas S. Novak, Jr. of the 3rd District, and Joann I. Personti of the 5th District, declared elected.

VOTE:

All in favor

Motion carried

At this time, Chairman Thompson announced the candidates running for the following positions: For Mayor; Richard E. Herold and Deborah E. Norkavage, For 2nd District Councilperson; Stephen E. Burg and Patricia L. Frantz, For 4th District Councilperson; Glenn A. King and Charles G. McKewen, and For 6th District Councilperson; Randall Hedrick and John N. Pasquale, Jr.

The Board of Elections reviewed and discussed the election process.

Chairman Thompson explained a packet of ballots for the various districts, as well as for Mayor and Absentee Ballot Forms, were received.

ACTION: Chairman Thompson stated after reviewing the aforementioned, it is the Board of Elections recommendation that these be accepted with no objections to the form of these ballots.

VOTE:

All in favor

Motion carried

The Board of Elections recommended to Mayor and Council Ordinance 503, Election Process.

Chairman Thompson explained Ordinance 503 would be discussed and acted on at the March 12, 2009, Council Meeting.

ACTION: Chairman Thompson stated the Board of Elections makes a recommendation to Mayor and Council that Ordinance 503 be accepted.

VOTE:

All in favor

Motion carried

ITEMS SUBMITTED BY BOARD OF ELECTIONS MEMBERS:

None

Town Manager, John Giles recommended having the next Board of Elections Meeting on Wednesday, April 8, 2009. The topic of the meeting would be for the Board of Elections to appoint an Absentee Ballot Committee, who would open the Absentee Ballots. Also, to set the date for a public meeting

for those Ballots to be opened.

A verbal agreement was made by the Board of Elections to hold the next meeting on Wednesday, April 8, 2009, at 6:30 p.m.

Mr. Giles announced the Absentee Ballots will be available beginning on March 25, 2009.

PUBLIC COMMENT:

None

Mr. Giles further stated the polling place will be held at Town Hall. Voting will be done in the Recreation Center rooms from 8:00 a.m. to 8:00 p.m.

ADJOURNMENT:

Chairman Thompson announced the meeting was adjourned.

At this time the meeting was adjourned.

These minutes summarize agenda and other issues discussed at this Board of Elections Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

**ERIC SCOTT THOMPSON
CHAIRMAN**